

X16327
Serial No. 10/575,502

4

Amendments to the Drawings

None

Remarks/Arguments

In this Response to Office Action, no amendments are being made to any of the specification, claims, and drawings. Thus, Claims 1-9 remain pending in this application. Reconsideration and reexamination of the application in view of the remarks presented herein are respectfully requested.

In the Office Action, Claims 1-9 were rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 6,221,046 to Burroughs, US Patent No. 5,279,586 to Balkwill, and US Patent Publication No. 2004/0097883 to Roe. Applicants respectfully submit that the teachings and suggestions of these references markedly differ from the present invention as particularly claimed in the application, and that Claims 1-9 are patentable over such references.

Applicants will not dispute the fact that many similarities exist between the overall disclosure of the present application and some of the art cited by the Examiner. This is not surprising as the instant invention is shown implemented in a device based on the pen injector line that was the basis for the cited Burroughs patent, which patent is owned by the assignee of the instant case and was included in Applicants' prior art submission reviewed by the Examiner. Nevertheless, and despite the similarities, if one were to carefully reconsider the claim language now pending in view of the clarifying explanation that follows, the patentability of the claimed invention will be apparent.

In particular, Applicants posit that the guide and follower of the claimed invention are not taught or suggested in the art. Claim 1 recites in its last subparagraph that "said guide including a hard stop for said follower to define an end of said reset segment of said driver travel path". Note that the hard stop defines the end of the reset segment. And, the driver and nut are able to rotate relative to each other when the driver is disposed in the reset segment, as elsewhere specified in the language of Claim 1. Further, Claim 1 also recites in its last subparagraph that "and said hard stop when abutted by said follower rotationally aligns said driver with said nut engaging segment of said travel path." And, as elsewhere specified in the language of Claim 1, it is when the driver is shifted through this nut engaging segment from the reset segment to the nut rotating segment that the nut and driver cooperating elements become engaged to rotatably lock together the nut and driver.

In contrast, Burroughs does not teach the above limitation, notwithstanding the fact that on page 4 of the Office Action the Examiner references columns 5 and 6. For example, Burroughs teaches, such as at column 9, line 61 through column 10, line 4, of how the dial or driver is communicated to be brought into alignment with a nut engaging segment of the travel path. No teaching or suggestion of a hard stop at this point is provided. And this is despite the fact that a hard stop is used elsewhere in the Burroughs' travel path. For example, at column 10, line 57 through

column 11, line 1 in Burroughs, an interference ledge prevents further rotation of the dial. However, at such time the dial or driver is rotatably engaged with the nut, and thus is not in the "reset segment" as claimed in the instant case. Applicants submit the other art such as Roe and Balkwill when properly considered for combination with Burroughs fail to realize the invention as particularly claimed. And, as only when Applicants' own teachings are impermissibly used as guide would such claimed hard stop be provided in Burroughs, it is believed that the claimed invention is patentable.

In view of the foregoing, Applicants submit that the cited art does not teach or suggest, either alone or in combination with the other art of record, all of the limitations of Claim 1, and that the rejection is traversed. It is respectfully submitted that Claim 1, as well as Claims 2-9 that are dependent on Claim 1, are in fact patentable over the art of record and are in condition for allowance.

Thus, Applicants submit that all of Claims 1-9 are in condition for allowance, and requests that a timely Notice of Allowance be issued in this case.

If any extension of time or fees are required with this paper, such are hereby petitioned therefor and the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 05-0840.

The Examiner is invited to contact the undersigned with any questions if such would advance the prosecution of the present application.

Respectfully submitted,

/Edward J. Prein/
Edward J. Prein
Attorney for Applicants
Registration No. 37,212
Telephone: (317) 433-9371

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

February 13, 2008